

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| ADAM FLETCHER YOUNG,             | ) |                       |
|                                  | ) |                       |
| Plaintiff,                       | ) |                       |
|                                  | ) |                       |
| v.                               | ) | Case No. CIV-06-146-D |
|                                  | ) |                       |
| GARFIELD COUNTY, <i>et al.</i> , | ) |                       |
|                                  | ) |                       |
| Defendants.                      | ) |                       |

**ORDER**

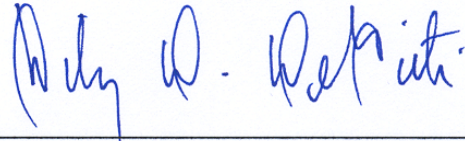
Before the Court is the Motion for Stay of Proceedings Pending Appeal [Doc. No. 146], filed jointly by Defendants Misty Taylor, Tracy Dickson, and Sheriff Bill Winchester on October 17, 2008. Defendants seek a stay during their appeal from the Order of September 30, 2008, which denied their motion for summary judgment on the basis of qualified immunity. Plaintiff, who appears *pro se*, has not filed a timely response. The Court in the exercise of discretion under Local Civil Rule LCvR7.2(g) deems the Motion confessed.

For this reason, and because Defendants' appeal divested this Court of jurisdiction to take further action on Plaintiff's claims against them, *see Walker v. City of Orem*, 451 F.3d 1139, 1146 (10th Cir. 2006), the Court finds that further proceedings in the case should be stayed during the pendency of Defendants' appeal, No. 08-6237. Further, because Defendants Taylor, Dickson and Winchester are the only defendants as to whom summary judgment has not been granted, the Court finds that this case should be administratively closed for the duration of the appeal, which will be done by a separate order.

IT IS THEREFORE ORDERED that Defendants' Motion for Stay of Proceedings Pending Appeal [Doc. No. 146] is GRANTED. All further proceedings in this case are stayed until Appeal

No. 08-6237 in the United States Court of Appeals for the Tenth Circuit is concluded. When the court of appeals' mandate is received, the stay will be automatically lifted, and the case will be reopened.

IT IS SO ORDERED this 21<sup>st</sup> day of November, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE